



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 29, 2010

Bruce Price
PO Box 326
Carey, ID 83320

RE: Water District 37-O, Muldoon Creek

Dear Bruce;

We have received your 2009 watermaster's report and 4 daily-record books, but these items are being returned to you for completion of the report. All money collected from the district water users needs to be accounted for on the report, but you did not include the \$175. in "membership fees" that was collected last year. By the way, Title 42-600 of the Idaho Code does not allow the collection of such fees for simply belonging to a water district. The Code does allow the collection of fees of up to \$50 per person for small users like yourself and George Merrill; the exact amount of such fees can be determined by each water district, and would not apply to the five large users. We will let it go for last year, but you should not be collecting "membership fees" in the future. The minutes of last year's meeting did not say what the fees would even be used for, and they need to be applied to some district expense shown on your report.

Since you know how much water was delivered to each user, this information needs to be shown in Column 1 Page 3 of the report. We encourage you to base your delivery costs on the actual amount of water delivered to each user, although this is not absolutely required. You could use the 2009 deliveries as the basis for the 2010 budget instead of just using total diversion rates. The Code does not require any specific budgeting method to be used, but it seems much fairer to charge people for what they actually get than just on their paper water rights. You could continue to use water rights as the basis for the proposed/adopted budget, adjusting with debits and credits at the end of the season. I am returning your delivery books so you can use the data in your report; please send them back when you are finished. I wasn't too particular about this stuff when your budget was only \$200, but it seems reasonable to expect better data with the larger amount of money now being collected.

Regards,

James E. Stanton
Sr. Water Resource Agent

Stanton, Jim

From: Luke, Tim
Sent: Friday, January 29, 2010 10:34 AM
To: Stanton, Jim
Subject: RE: Question On Muldoon Creek (37-O) Budgeting

I agree that the "\$25 user fee" is not legal. It would be better if they just charged a minimum fee (up to \$50) to cover anyone whose water right based charge fell under the minimum, but you don't add the minimum on top of whatever the water right charge is. We need to tell the district to use a minimum fee as contemplated by the statute and as traditionally used. Also, this district needs to start recording some actual use and base the charges on deliveries. We have the measuring device orders in place there – those orders were required in part so that this district would have the ability to vote and assess pursuant to law, as well as fairly distribute water. Did the watermaster not turn in delivery log books?

Call me if we need to discuss further. I'm not sure what you'll do – sounds like they already collected the money and maybe there is nothing we can do for what has already happened, but we at least need to advise them in writing of the correct method. I don't think this watermaster or anyone from the district attended our training last year. They can refer to the watermaster handbook for some examples or guidance, and of course seek further assistance from IDWR.

Thanks for raising this with me.

Tim

From: Stanton, Jim
Sent: Friday, January 29, 2010 9:56 AM
To: Luke, Tim
Cc: Stanton, Jim
Subject: Question On Muldoon Creek (37-O) Budgeting

Tim – I have received the 2009 watermaster's report for this district, and have some questions. They voted last spring to raise the watermaster wages to \$1000, and also to charge a "membership fee" of \$25 per user. The report shows no delivery information, just the charges based on water rights, and also shows the \$25 additional charge per user. But the total cost is shown as \$1000, not the \$1175 that they actually paid (7 users). Does this make sense to you? I have never seen a "membership fee"; is this legal? It is not based on water rights or actual deliveries like a minimum-user fee would be. The cost out there for years was \$200 total, so it was hard to get too excited about how they charged. But I think the higher wages probably warrant a closer look. What do you think?